we have to make America and the world understand.

America and some countries have formed a closed club of theirs, which they call the Missile Technology Control Regime. It is not under the United Nations. It is a closed club of a number of countries. Now, China is not a member of the MTCR. China today is in a state where it has this technology and can launch a satellite into the geosynchronous orbit. China has got its own way. The Prime Minister is going to China very soon. I think the time has come when India must rediscover itself in this respect. The strength of India is not to stand alone but the strength of India is to stand together with its neighbours. Unfortunately, we cannot stand together with Pakistan for various reasons but I think we can stand together with China. If China has been able to develop this technology and yet is not a member of the MTCR, I think it is right and proper that we enter into a dialogue, if we can have some kind of a cooperation with China for this purpse. Madam, you must have seen in the papers, and the Prime Minister also must have seen it, that America is trying to do another trick of armtwisting. I think it was the Foreign Secretary or the Prime Minister of Pakistan who went to Washington and said that they would like some kind of a missile technology pact with India. I do not understand what he means.

The Prime Minister in his Independence Day speech made from the ramparts of the Red Fort, says that we are going on our own, that we shall have this technology, that our scientists can produce this technology within two years. I wish that this is not mere bravado because his own statement here says that even advanced countries take ten years to develop that technology. ...(Time bell rings)

I am concluding, Madam.

This is the situation in which we are today, and yet we cannot bypass America. It is too important for us. I would like the Prime Minister and the Government to give us a lead. How do you draw the line ? How do you go about it ? Is this cryogenic technology so important that we are going to befoul our relations with America ? Can we afford to do that when even a strong country like Russia is not able to stand up to America ? I can foresee only two countries in the world today, which can stand up to America. One is China, and the other is a small Middle-East country, Israel.

AN HON. MEMBER : What about Cuba ?

SHRI G. G. SWELL : If they can feed themselves, I will be happy. But America will not go beyond a certain limit in pushing Israel. We know that very well. I am quite sure that our scientists know all the ingredients of this kind of technology. But if we want to have this technology as early as possible, why not seek the cooperation of China ? If our scientists can do it on their own, well, we shall be proud of them and we shall be happy about it. But if they cannot do it, what do we do ? The Prime Minister's own statement says that he is going to cooperate with other countries. Why not seek cooperation from China ? Why not seek co-operation of Israel ? Why not tell us something that is practical ? Give us the lead. Let us be clear-minded and let us be clear-eyed about the whole situation.

THE DUPUTY CHAIRMAN : Thank you.

We have the lunch hour now. I have three or four speakers.

SHRI G. SWAMINATHAN : When is the hon. Prime Minister going to reply ?

THE DEPUTY CHAIRMAN : Yes, that is what I am finding out.

We have got four, five speakers more. It is for the Prime Minister; we can have these speeches later, after the lunch hour, or we can have them at four o'clock.

At four o'clock ?

SHRI P. V. NARASIMHA RAO : At four o'clock. I am in the hands of the House.

THE DEPUTY CHAIRMAN : The House agrees for four o'clock. The House is adjourned for one hour.

The House then adjourned for lunch at thirty-three minutes past one of the clock.

The House reassembled after lunch at thirty-eight minutes past two of the clock, **The Deputy Chairman** in the Chair.

I. STATUTORY RESOLUTION SEEKING DISAPPROVAL OF THE PARLIAMENT (PREVENTION OF DISQUALIFICATION) AMENDMENT ORDINANCE, 1993 (NO. 20 OF 1993),

II. THE PARLIAMENT (PREVENTION OF DISQUALIFICATION) AMENDMENT BILL, 1993.

THE DEPUTY CHAIRMAN : Now, we will take up the Statutory Resolution and the Parliament (Prevention of Disqualification) Amendment Bill, 1993. Before the discussion starts, I must announce that it was decided in the Business Advisory Committee that this Bill would be passed without any discussion. Since Mr. Shah has given his name to move the Statutory Resolution to disapprove the Bill, I would ask him to say a few words. If he likes to withdraw it he can do so. Then I can put it to vote granting him permission to withdraw.

SHRI VIREN J. SHAH (Maharashtra) : Madam, can I speak from here ?

THE DEPUTY CHAIRMAN : Otherwise, from where do you speak ?

SHRI VIREN J. SHAH : From there.

Madam, I made a request in the morning that I would speak for eight minutes.

Madam, I move :

> "That this House disapproves the Parliament (Prevention of Disqualification) Amendment Ordinance, 1993 (No. 29 of 1993) promulgated by the President on the 19th July, 1993."

There are two main reasons why I have brought this resolution. One is that the issuing of an ordinance just before a Parliament Session commences violates the basic principle of the democratic functioning of Parliament. When the Constitution-makers provided for it, it was supposed to be used in the rarest of rare cases where there was no other recourse. In this case, summons was issued on 9th July. In fact, both the Houses of Parliament were supposed to meet on 19th July. It was postponed and they were to meet on 26th July. The Ordinance was promulgated on 19th July. I want to cite one particular incident. In September end, 1946, when Jawaharlal Nehru was the Vice-Chairman of the Viceroy's Executive Council, there was a matter to be moved. Mr. Mavalankar was in the Chair. Jawaharlal Nehru was not the Prime Minister then. But he was in the same position. He mentioned the matter to be moved. A backbencher raised the question that in that case, the consent of the Viceroy had not been received and it should not be moved. Pandit Nehru mentioned to the Speaker that he had spoken to the Secretary to the Governor-General and it was on the way. The Speaker agreed. At that time, Mr. Jinnah, who was sitting in the front bench got up and said, "Mr. Speaker, Sir, with the greatest respect, may I submit this ? If we start not observing the proper procedures now, "— these are his words—" our country is going to be independent soon—if we start making wrong practices from now onwards, please imagine where we would be after 30 years from now." And, I must say it to the credit of Pandit Jawaharlal Nehru, he immediately stood up and said, "I respect fully what Mr. Jinnah has said. We shall not start with any wrong practice and we shall wait till it comes." The same thing should apply here. There are States in India where there are Governments of Ordinances. We do not want the Central Government to be like that. We do not want Members of Parliament to be meaningless personalities sitting here. That is the main point.

Every Ordinance has to say the circumstances existing for taking such immediate action. What were the circumstances in this case ? If we look at the Statement of Objects and Reasons, we find that there was only one circumstance and that was, the Deputy Chairman of the Planning Commission, a particular individual, was to be brought to Parliament as a Member. That is all. The Deputy Chairman, Planning Commission, Mr. Pranab Mukherjee, happens to be a close personal friend of mine. I have spoken in this House praising him. It is on record. There is nothing against the individual. But the practice as such is a highly damaging practice. As I submitted, it vitiates the fundamentals and the ethos of democracy. When the Session was to be called on 19th, why was it postponed ? We could have brought this on the very first day.

Coming to the second reason, article 102(1) (a) of the Constitution deals with disqualification. There were three Acts passed in 1950, 1951 and 1953 and one more, later, in 1959. Madam, you are the guardian of this House. The Joint Committee on Offices of Profit has made 60 recommendations since 1956. Sixty recommendations. And, what has the Government done ? If you look at the Statement of Objects and Reasons, in paragraph 2, it says, "In view of the urgency felt by the Government and pending detailed examination of the Report, the Parliament (Prevention of Disqualification) Act, 1959 was amended, ...". This Act was amended in 1992. And, that also was only for one individual, the Deputy Chairman of the Planning Commission. When they found at the last minute that the particular individual had to stand for election to Rajya Sabha, that provision of amendment was brought in 1992 and by bring-

ing in legally, there was a lacuna. So they rushed to bring an Ordinance. This is a major problem. When they brought a Bill on 11th May, 1992, sixty recommendations of the Joint Parliamentary Committee were pending with the Government. If you look into the Lok Sabha debate in this regard, the then Cabinet Minister, Mr. Vijaya Bhaskara Reddy and the then Minister of State, Mr. P. R. Kumaramangalam, had said that they wanted to bring a comprehensive Bill in order to bring about the necessary changes. Fifteen months have passed but no comprehensive Bill has been brought before the House. No consideration has been given to the sixty recommendations of the Joint Parliamentary Committee, which is a Statutory Committee, over a period of fifteen months and suddenly, an Ordinance is brought. I have nothing against an individual but the practice which is being followed is not good. From May, 1992 till today, we could have brought forward a Bill. But unfortunately the Government gives an appearance of working in fits and starts. Let me be a little considerate and say, it gives an appearance of working in fits and starts. What was the Ministry of Law doing about these matters? I wish the hon. Minister would enlighten us. The matter remains unattended till the last minute and then the Government takes recourse to an Ordinance. I cannot be sure whether one can be certain that recourse to Ordinances will not be taken to in future. Madam Deputy Chairman, you as a Member of this House and as Deputy Chairman, are equally concerned to see that Parliament is allowed to function, is given the respect which the Constitution-makers had in mind. Mr. Jinnah had said in 1946 to which Mr. Nehru had very respectfully agreed, "Let us not start having wrong practices. Otherwise, thirty years from now, where would we be?" Fifty years have passed since then. Madam Deputy Chairman, I have moved this Resolution to oppose the Ordinance and I would certainly recommend that this Resolution may be accepted by the Treasury Benches. The gentleman concerned may cease to function as Deputy Chairman of the Planning Commission and function as a Member of Parliament. For this purpose, a proper Bill may be brought and if it is so urgent, a Bill may be brought in this Session itself and got passed by the House so that this can be done with honour rather than by way of an Ordinance. Thank you.

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ): Madam Deputy Chairman,

I beg to move:

"That the Bill further to amend the Parliament (Prevention of Disqualification) Act, 1959, be taken into consideration."

Hon. Members may recall that the Joint Committee on Offices of Profit presented the Second Report to the Lok Sabha on 9th April, 1992 and a copy of the same was laid on the Table of this House on 27th April, 1992. In that report, the Committee had examined the composition, character and functions of the National Commission for the Scheduled Castes and the Scheduled Tribes, the National Commission for Minorities, the National Commission for Women and the Planning Commission, with a view to consider whether the Chairpersons, Vice-Chairpersons, Members, etc. of the aforesaid Commissions would incur disqualification under article 102 of the Constitution. The Committee expressed the view that though all the offices examined by the Committee in that report carried salary and thereby could, strictly speaking, be considered as offices of profit, for speedy implementation of socio-economic development programmes of the Government, it is essential to associate Members of Parliament with the working of the aforesaid Commissions of national importance. Therefore, they recommended that the Government should amend the Parliament (Prevention of Disqualification) Act, 1959, expeditiously so as to include these offices under the relevant Schedule to prevent the holders of these posts from incurring disqualification for being chosen as, or for being a Member of Parliament.

In view of the urgency felt by the Government and pending detailed examination of the report, the Parliament (Prevention of Disqualification) Amendment Act, 1992 (20 of 1992) was enacted to prevent the holder of the office of Deputy Chairman, Planning Commission from incurring disqualification. On re-examination, it was found that the said Amendment Act did not achieve the purpose fully and in order to confer the intended benefit on the holder of the office of Deputy Chairman, Planning Commission, action was taken to further amend the Act. Accordingly, the Parliament (Prevention of Disqualification) Amendment Ordinance, 1993 was promulgated on 19th July, 1993.

The present Bill seeks to repeal and replace the said Ordinance. The Bill also proposes to give effect to the other recommendations of the Joint Committee relating to the office of Chair-

persons of the National Commission for the Scheduled Castes and the Scheduled Tribes, Minorities Commission (now the National Commission for Minorities) and the National Commission for Women. The Bill also provides for change of the short title of Act 30 of 1954.

It is my earnest hope that the Bill will receive unanimous support from all sections of the House.

Madam, if you permit me, I would just say a few words with regard to the hon. Member's observations. I fully respect the observations of the hon. Member that when the Parliament has been summoned and when the summons have been issued, the Government should not resort to bringing an Ordinance. But, as I submitted earlier, the idea was to protect an hon. Member who was likely to be elected and to save the situation. The whole effort was to include hon. MPs in socio-economic bodies where they can be involved.

With regard to the other suggestions of the Joint Committee, I must inform the House that reports of the Committee have already been examined and we have already prepared a comprehensive Bill. But we have to consult all the States and the States have to give their views on these because several bodies, which are in existence in the States, are also likely to be affected by these amendments. I assure you that we will bring as soon as possible a comprehensive Bill on this disqualification issue. I also share and I must really concede the views that the hon. Member has expressed. There can be no two opinions on this. We should try to uphold the highest tradition of our parliamentary practice and to treat the House with dignity. But there are some matters where sometimes we have to use this power of legislation which has been given by law to the President. In this particular case the hon. Member himself has explained the position and I need not dilate on that. I hope he will agree with me and withdraw the Resolution.

The questions were proposed.

SHRI VIREN J. SHAH : Before I withdraw, Madam Deputy Chairperson, *(Interruptions)*

...

श्री चतुरानन मिश्र (बिहार) : जब जब सरकार को जरूरत हो तब तब वायलेशन किया जाए (व्यवधान) ।

श्री वीरेन जे० शाह : वह तो हमने बोल दिया था ।

श्री चतुरानन मिश्र : वे भी यही कह रहे हैं ।

श्री वीरेन जे० शाह : तब तब करेंगे ।

I will not get into a debate. May I draw the attention of the hon. Minister to what his predecessor, Mr. Vijaya Bhaskara Reddy, had stated in May, 1992. When the Amendment Bill, 1992 was brought before the House—I have gone through the debate—he had used exactly the same sentence, "We are making a detailed study. We will bring a comprehensive Bill before the House. We will bring it very soon. We have to consult the States."

SHRI KAMAL MORARKA (Rajasthan) : That shows the consistency of the Government.

SHRI VIREN J. SHAH : With that consistency 15 months have elapsed. So, I reiterate...*(Interruptions)*...

SHRI CHATURANAN MISHRA : Are you sure that his successor will not do so ?

SHRI VIREN J. SHAH : No. I cannot be sure about his successor unless he does not belong to that party. Then, I may be sure. You need not say that. But let us proceed. Let us take it seriously. May I just ask the hon. Minister to enlighten the House when the comprehensive Bill, which they are going to bring, will be brought ? Sixty recommendations have been made since 1956. Successive Governments had come and gone and Governments of different parties were also there. May I enquire from the hon. Minister for Law whether he is in a position to indicate by which time the Bill will be brought ? Fifteen months ago his predecessor said that a detailed study was being made to bring a comprehensive Bill and they were consulting the State Governments. Have you got an idea by which time, say, by the next session of the Parliament or within three months or four months or five months, the Bill would be ready ? As I mentioned earlier, this Resolution is not intended to defeat this Bill or to bring out any controversy in the House but to bring these facts to the notice of the Minister.

I am glad that the hon. Minister has given the same importance that I have given to the dignity of the House and in issuing ordinances. I am grateful for that.

SHRI H. R. BHARDWAJ : Madam, today, I am not in a position to say exactly when the comprehensive Bill will come. But as I submitted earlier, it was referred to on the 9th July, 1993. I think that it should be done in 3 or 4 months. I am going to take this matter very

seriously. I will write about it to the hon. Member within two weeks time.

SHRI VIREN J. SHAH : The only thing is that from May, 1992 to July 1993 the Ministry of Law did not do anything in this regard. Your predecessor gave an assurance in this House that some action must start in the Ministry.

SHRI H. R. BHARDWAJ : I have assured that within two weeks you will know when the Bill would come.

THE DEPUTY CHAIRMAN : Keeping in view what Mr. Shah has expressed and what the Minister has agreed to, the dignity of the Parliament should be maintained, especially when summons have been issued. The Law Ministry will take care of it. Mr. Shah, are you withdrawing it ?

SHRI VIREN J. SHAH : I withdraw it.

The Statutory Resolution was, by leave, withdrawn.

THE DEPUTY CHAIRMAN : I shall now put the motion moved by Shri H. R. Bhardwaj to vote.

The question is :

"That the Bill further to amend the Parliament (Prevention of Disqualification) Act, 1959, be taken into consideration."

The motion was adopted.

THE DEPUTY CHAIRMAN : I shall now take up clause-by-clause consideration of the Bill.

Clauses 2 to 5 were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill

SHRI H. R. BHARDWAJ : Madam, I move :

'that the Bill be passed.'

The question was proposed.

PROF. SAURIN BHATTACHARYA (West Bengal) : Madam, the only thing is, even if you decide that something would be passed without discussion, this is not stated in the House in the open particularly in a case like this.

THE DEPUTY CHAIRMAN : Whatever the controversy or whatever the objection was, I think, it was very well made by Mr. Viren J. Shah by opposing it in his resolution. The Minister has agreed to it, the Chair has agreed to it and the whole House has agreed to it. The opinion of the House has been expressed by Mr. Shah. Now the question is :

"That the Bill be passed."

The motion was adopted.

3.00 P.M.

I. STATUTORY RESOLUTION SEEKING DISAPPROVAL OF THE CONSERVATION OF FOREIGN EXCHANGE AND PREVENTION OF SMUGGLING ACTIVITIES (AMENDMENT) ORDINANCE, 1993

II. THE CONSERVATION OF FOREIGN EXCHANGE AND PREVENTION OF SMUGGLING ACTIVITIES (AMENDMENT) BILL, 1993

SHRI TRILOKI NATH CHATURVEDI (Uttar Pradesh) : Madam Deputy Chairperson, I beg to move the following Resolution :

"That this House disapproves the Conservation of Foreign Exchange and Prevention of Smuggling Activities (Amendment) Ordinance, 1993 (No. 26 of 1993) promulgated by the President on the 25th June, 1993."

[The Vice-Chairman (Syed Sibtey Razi) in the Chair]

Mr. Vice-Chairman, Sir, I oppose this Resolution firstly on the ground—as was mentioned earlier in the context of some other Resolution—that the Government brings out Ordinances which are supposed to meet the requirements of an urgent or emergent situation, rather very lightly. In this case also, if I may bring to your notice, the Government was aware of the date of expiry of the Bill and there does not seem to be any reason as to why this could not have been brought before this House during the last Budget Session or listed in this Session as one of the earliest items. There was no earthly hurry to bring out or issue this kind of an Ordinance.

Here I would like to submit that in the year 1992, the Government issued 22 or 23 Ordinances while in the first seven months of this year, the Government has issued—during the first seven months only—26 Ordinances.

Sir, this is a very small amendment of this particular Bill which is proposed to be introduced now. As I mentioned earlier—you can also see—the basic purpose of this Bill which was to expire on 31st July, 1993, was to get it extended by another three years and it will